U.S. DISTRICT COURT FOR THE DISTRICT OF VERMONT

DAMIAN J. RENZELLO)

V) Case No.
MICHAEL E. NELSON) 1:05-cv-00153-jgm

Hearing held before the Honorable J. Garvan Murtha Held on May 7, 2015 Transcribed from an audio recording

APPEARANCES:

Damian J. Renzello Gordon Bock

Clerk: Kathleen Korstange

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THE CLERK: All rise. Please be 1 2 seated. This is Docket Number 5-cv-153. 3 Renzello versus Michael Nelson. The Plaintiff is 4 present in the courtroom pro se. And the Defendant 5 does not appear. 6 The matter before the court is a 7 hearing on enforcement of an agreement and consent

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(inaudible).

THE COURT: Is that you?

Yes, Your Honor. MR. RENZELLO:

THE COURT: So Mr. Renzello, and the gentleman with you is?

MR. RENZELLO: My friend Gordon. have requested the court for assistance in helping me get through the case here.

THE COURT: Okay. As announced, this is a hearing to enforce the agreement and also the court order that was added May 16, 2007. The court in a previous order required you, Mr. Renzello, to somehow notify Mr. Nelson. I know that he has not appeared, obviously, but that it's been difficult to determine where he is.

But as I understand it, you mailed a notice to his last known address and that letter did not get returned.

MR. RENZELLO: That's correct, Your
Honor.

THE COURT: Correct? So based on that, the court set up this hearing, and again, obviously, Mr. Nelson has not appeared. So the court is prepared to go ahead with enforcing the order and agreement. The question is how.

And so I'll hear from you or hear from your advisor, if you wish.

MR. RENZELLO: Uh --

THE COURT: When you speak to the court you should -- it is our custom that you stand.

MR. RENZELLO: Yes, sir. Enforcing the loss agreement is one thing, but since our last court date back in 2007 Michael Nelson has been slandering my name on the internet like you wouldn't believe.

THE COURT: Right.

MR. RENZELLO: It's just -- it's unbelievable. I've put together these three books. One copy for yourself, one copy for Mr. Nelson, and one copy that I can work from. And if you read one or two of these articles of 30 or 40 of them, you would just -- you would be blown away. I had a relationship with the Boston Bruins, and within two years I had donated \$45,000 worth of my work products

in exchange for marketing efforts.

One morning I got a call from Paul
Stewart, who was in charge of the Boston Bruins
Foundation, asking me who Mike Nelson was. He's been
calling and threatening Charlie Jacobs all morning
with lawsuits because he's doing business with me.
That's one scenario of many scenarios.

The American Inventor TV show, about five years ago I had auditioned one of my products. I got a call back. They flew me to LA, and when I got to the auditions the producers were asking me, "Who's Mike Nelson? He's been calling and threatening us all morning."

So needless to say, with my great invention, when I went in front of the judges, they didn't even listen to me. They said no, no, no and passed me on. That's number two incidences where he's just attacked me. And I'm a layman. I don't know how to protect myself. Coming to the court is very -- it's just not my school.

THE COURT: Right. Well and the problem is, frankly, locating him in order to do anything about it. Even if you did locate him, questionable I guess as to whether he would be -- whether he would comply with any orders, or if you

did get some sort of a judgment against him for damages, whether he would not pay it, of course. 3 MR. RENZELLO: Well I know that --THE COURT: (Inaudible). MR. RENZELLO: I know I did a little 6 bit of research in my layman kind of ways. looked up cyber harassment, and just cyber harassment alone is like \$25,000 per violation and up to five years in prison. So I think that makes it criminal, 10 and I guess I would like to see maybe if the court

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THE COURT: Well, you know, I can't act on my own to bring somebody in as a criminal. has to be some prosecution brought before the court. In our court it's the U.S. Attorney. So the U.S. Attorney's office in Vermont or elsewhere would have to be the entity to bring any criminal charges.

could look at it as a criminal case, and then take

the appropriate actions to find Mr. Nelson and let

him pay his consequences, for lack of better words.

MR. RENZELLO: I see.

THE COURT: Unfortunately for you. But I can't act on my own.

MR. RENZELLO: I've gotcha.

So, you know, I understand THE COURT: your frustration. The only thing that I can do, I

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think, is to issue an order reciting the matters that you've brought up here in your complaint, or not your complaint, but your motion, as an example of the type of behavior that is in violation of the order, and, you know, issue an order saying that he has to comply and has to cease from this activity. And perhaps warning him that any further activity would be subject to contempt. I can't hold him in contempt at this point because there is certain procedures I have to go through including having a hearing on a motion for contempt.

Again, going through the whole process of trying to notify him and get him here, and then if there was a hearing held, deciding whether there was any purpose in doing it. Again, even if I were to hold him in contempt, for instance, he's not here. I don't know what good that's going to do you.

Maybe by issuing an order that he has violated it, and reciting the instances that you at least enumerated in your motion, I suppose you might be able to undergo the different sites that's -- he is -- where he is --

MR. RENZELLO: Attacking me.

THE COURT: -- using, and, you know,

ask them.

	,
1	MR. RENZELLO: Slandering.
2	THE COURT: Yeah.
3	MR. RENZELLO: I have copies of all
4	those.
5	THE COURT: Right. Well I'm not sure
6	to go through every one of those, but you know,
7	you've enumerated them some of them anyway in your
8	motion. I think there are six.
9	MR. RENZELLO: Nine of those.
10	THE COURT: Nine of them?
11	MR. RENZELLO: And those are I
12	didn't want to give you a topic or there is many,
13	many, many more
14	THE COURT: Okay.
15	MR. RENZELLO: than those nine.
16	THE COURT: Those are just examples.
17	MR. RENZELLO: Those are just examples.
18	THE COURT: Right.
19	MR. RENZELLO: In fact, I have one
20	example here. And if you read just this one sheet,
21	you would understand my frustration.
22	THE COURT: Right. Well why don't you
23	make that an exhibit for this hearing. Okay?
24	MR. RENZELLO: How do I make that an
25	exhibit?

1 THE COURT: Just give it to Kathleen, 2 and she can mark it as an exhibit. 3 THE CLERK: (Inaudible). Do you want 4 me to make a copy? 5 THE COURT: So we will mark that just 6 as an exhibit. If you have a couple others, or you 7 want to add to those that you referred to here? 8 MR. RENZELLO: Sure. 9 UNIDENTIFIED SPEAKER: Your Honor, 10 would you have just a second to just briefly --THE COURT: Sure. 11 12 UNIDENTIFIED SPEAKER: (Inaudible). 13 THE COURT: Sure. These calls that have been made to the different entities we talked 14 15 about --16 MR. RENZELLO: Yeah. 17 THE COURT: -- I guess they've not been 18 able to trace the calls to figure out where he is. 19 MR. RENZELLO: Well I'm really -- I'm not like that. I don't know who can trace the calls. 20 THE COURT: Yeah. So does this fellow 21 22 compete with you? MR. RENZELLO: I believe he does. 23 But 24 I can't prove it. I believe he's still marketing 25 rinks to other companies. But again, I don't know

how to find his name attached to it, because he's 1 obviously a very smart person. 2 3 THE COURT: T see. 4 MR. RENZELLO: Is that not 5 unbelievable, Your Honor? 6 THE COURT: Well obviously, yes. 7 amazing to me, frankly, that people can publish this 8 sort of thing on the internet and call it to the 9 attention of people who may not know you, for 10 instance, or know anything about your business. So are you still in the same business? 11 12 MR. RENZELLO: I am. 19 years. 13 Building portable ice skating rings. THE COURT: And how is the business 14 15 going? MR. RENZELLO: Well it -- besides 16 17 Michael Nelson's interference, it's good. I've lost a ton of business because of him. I've lost a lot 18 because of him, but my strength as an inventor has 19 20 kept me going forward. Every once in a while I come across a situation that gives me a little bit of 21 22 strength. For example, Annie Leibovitz, you know, 23 the famous photographer?

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Yes.

MR. RENZELLO: She just wrote me a very

THE COURT:

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nice letter, a heartfelt letter, thanking me for helping her with her rink for the past seven or eight years from the bottom of her heart. Thank you, you know. And stuff like that gives me a little bit of strength to keep going forward.

You know, Curt Schilling, from the Boston Red Sox, I had sold him a Bambini and a nice mower. I didn't make too much money on it. But meeting people like that, it just kind of gives me that strength to keep going forward.

THE COURT: Right.

MR. RENZELLO: It's been 19 years since I first designed Porta-Rinx, and I've met a lot of great people. And I set up a rink in Mexico City in front of City Hall in Mexico City a few years ago and, you know, just met some really great people.

THE COURT: Right.

MR. RENZELLO: It's not about making money. It's about building a foundation for my business. And for the past 10 years it's -- I don't know how many calls I got from cities and towns, because they are the majority of my business, they are interested in my products, and then they go online and research me. And as soon as you type in Damian Renzello those slanderous comments, they come

up.

I had one of my customers call me back asking me about those comments, and fortunately he took the time to call me back.

THE COURT: Right.

MR. RENZELLO: And when I talked to him, he understood, and they eventually bought a rink, which is great, but that's one customer that actually took the time to call.

THE COURT: Right.

MR. RENZELLO: I can only imagine how many people have looked it up and then looked my name up, and then they just wash their hands with it.

THE COURT: Somehow can you alert them about this guy and the fact that he's, you know, slandering you and --

MR. RENZELLO: I don't want to write something on the internet that's going to bite me in, you know, he's going to come back and say that I'm writing stuff about him.

THE COURT: Yeah. Well I mean the -- warning them if they are -- I guess people find out about your rinks from the internet?

MR. RENZELLO: Yeah. Word of mouth.

And -- you know, the name Porta-Rinx or my Porta-Rinx

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ice skating rink.

THE COURT: Right.

MR. RENZELLO: If you typed in Porta-Rinx, out of the top the first 10 hits, six or seven of them are from Mike Nelson.

THE COURT: Really.

MR. RENZELLO: Oh, yeah. Oh, yeah. I think number 1 is from Mike Nelson's slander. I mean it's bad. It's bad. That's just two copies.

I've got another 15 pages here of other slanderous comments. I mean I just -- I don't know what to do.

THE COURT: Well I think based upon what you've told me today, and I consider it to be testimony, that I could make a finding that the comments that are being made on the internet are slanderous and untrue. That might be of assistance in your -- again, trying to convince the --

MR. RENZELLO: People. Customers.

THE COURT: Well the customers, but also the, you know, the -- I don't know how you can deal with the internet. Whether you can bring this sort of an order to Google and say, "Look this guy is a --"

MR. RENZELLO: Torturing me.

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1 THE COURT: Yeah. "And slanderous, and 2 you shouldn't be publishing stuff like that." I 3 don't know if there is a way to do that. 4 MR. RENZELLO: Right. Yeah. 5 -- (inaudible). You have pull. I don't have pull. 6 THE COURT: Right. Well --7 MR. RENZELLO: There must be an 8 internet police? 9 THE COURT: Well as you say, there are 10 laws, criminal laws, that prohibit people from doing 11 certain things. I'm not that familiar with what they 12 are. 13 MR. RENZELLO: Yeah. 14 THE COURT: You might -- have you tried 15 to speak to the U.S. Attorney's office, for instance? 16 MR. RENZELLO: I have not. 17 THE COURT: That might be something you 18 might do. Let's get this order out, and then I would 19 suggest that you at least try it. Go -- try the U.S. 20 Attorney's office. Go to them and say, "Look, this 21 is my problem. Is there any way of getting any 22 assistance from the government?" 23 MR. RENZELLO: Sure. Sure. I tried 24 calling the State Police; local police. 25 THE COURT: Right.

MR. RENZELLO: But they just -- it's 1 2 Like you said. new. 3 THE COURT: (Inaudible). I think 4 whatever it was and are with these federal laws, and 5 again, the U.S. Attorney's office would be the agency 6 that would bring the charges. 7 MR. RENZELLO: Good information. 8 THE COURT: All right. Well again, I 9 am finding that Mr. Nelson has violated the agreement 10 and the order, and we will try and fashion something 11 that is appropriate for you. 12 Again, I can't include anything about 13 criminal charges. I can't include any at this point, 14 but I don't think about contempt or damages, but you 15 know, if it were to continue, then I'll put a warning 16 in there that any potential future conduct could very 17 well result in contempt or damages. 18 MR. RENZELLO: As far as the past ten 19 years, U.S. Attorney's office is where I want to go? 20 THE COURT: I can't -- is there any 21 indication that he's doing it recently? 22 MR. RENZELLO: Well I think I've got 23 dates as far back as 2014 of comments still coming on 24 the internet.

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Really?

THE COURT:

MR. RENZELLO: Since 2006, when I first 1 2 brought it to the court's attention, I've got dates 3 from 2006, 2007, 2008, 2009, 2010. I make the 4 copies. I make the copies. I have a book -- a box 5 at my shop this wide by this wide by double deep with 6 all the paperwork from the 10 or 12 years of just 7 wasting my time and my good positive energy in 8 dealing with this mess. 9 THE COURT: Do you have a copy of 10 something that occurred, you say, in 2014? MR. RENZELLO: I sure do. 11 The two 12 exhibits that I just gave you. I think that was 13 what? 2010? 14 THE COURT: This was 2007, and this is 15 2010. 16 MR. RENZELLO: Your Honor, these were 17 all in 2010 as well, but I can get that paperwork for 18 you. 19 Why don't you send us --THE COURT: 20 perhaps do it through the clerks's office, send us an 21 example of, or two, of something recent, like, 2014, 22 if you have it. 23 MR. RENZELLO: Sure. Most definitely. 24 Did you read that first exhibit there?

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Yes.

THE COURT:

1 MR. RENZELLO: Your Honor, can my friend ask you a question? 2 3 THE COURT: Sure. 4 MR. BOCK: May it please the court, 5 Your Honor, for the record --6 THE COURT: Yeah. 7 MR. BOCK: My name is Gordon Bock. G-O 8 -R-D-O-N. B-O-C-K. 9 THE COURT: Okay. 10 MR. BOCK: Again, I'm not an attorney. It's been my privilege to know Damian for virtually 11 12 the entire existence of his Porta-Rinx company, some 13 close to 25 years. 14 THE COURT: Right. 15 MR. BOCK: And for the last decade or 16 so, as his friend, it's been my unfortunate 17 experience, at least vicariously, that, you know, see 18 and hear and really feel this intense and persistent 19 vituperation by this, if I may say, deranged 20 individual. I'm wondering -- and until Mr. Renzello 21 22 ended up having counsel in this action for a number 23 of years, as you know --24 THE COURT: Yes. 25 MR. BOCK: -- you know, I tried to help

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him in the beginning. And subsequently, you know, since his counsel left the case, with sorting through the morass of all of this, I could be -- my recollection could be faulty in the extreme.

It seems to me, and it could be wrong, that somewhere in the inception of this case, again it's been close to, I think, 10 years, right? Close to 10. 9 years. I have the impression that way back in the beginning your office got some help from either the Marshals or the FBI or both when Mr. Nelson was, you know, even back then, very hard to find.

And whether my recollection is accurate or not, I guess I'm wondering if it's possible, you know, Mr. Nelson can run, but can he hide? If you were somehow to enlist one or both of these agencies that are also, like you, part of the federal government, to try to find him. Would that -- at least the Marshals maybe. Would that be appropriate or inappropriate, Your Honor?

THE COURT: Well I think probably what you're talking about, perhaps, and I don't have any memory of this, but in trying to serve him any court documents may be -- and it has to be an order that may be served by a Marshal. But that's infrequent.

Certainly the FBI we don't -- I don't think we ever got them involved. (Inaudible).

MR. RENZELLO: Back in Vermont Country

Store. You had an investigation there was -- it was a Vermont Country Store against Nelson. Back in the day; different case. You had an FBI agent --

THE COURT: (Inaudible) That's stretching my memory, but go ahead.

 $$\operatorname{MR.}$ RENZELLO: I've actually got a copy of that. The article that was in the paper.

THE COURT: Mine?

MR. RENZELLO: Yeah. You had had an investigation put on him that came back that there didn't appear to be a threat, and that was the end of it.

MR. BOCK: In the instant case is it possible, forget the FBI, is it at all possible somehow to involve the Marshals? In terms of actually locating this individual, this highly elusive individual.

THE COURT: Right. I think the

Marshals would not, on their own, try to find him.

If you had an address for him that he could be served with something, it's possible. But they don't go out, again, they get involved in criminal matters.

But they serve papers based upon an address or a 1 2 presence of a person. 3 MR. BOCK: Sure. I was just thinking 4 it's easy to hide from Mr. Renzello with a lot of 5 resources, but it would be a lot harder to hide from 6 the U.S. Marshal. 7 THE COURT: I mean if you did find out 8 where he actually was, I think at some point --9 wasn't he in Nevada or something? 10 MR. RENZELLO: Oh, yeah. Las Vegas. MR. BOCK: We have been serving him at 11 12 a P.O. Box in Rhode Island. 13 THE COURT: Right. 14 MR. BOCK: And it's not coming back. 15 THE COURT: Right. MR. BOCK: So inference is if someone 16 17 in his family is getting this stuff, and the 18 Defendant's aware of the motions, and even the fact 19 that there was going to be this hearing today. 20 well aware and maybe just chooses not to --THE COURT: Not to come. 21 22 MR. BOCK: -- participate. You know, 23 he will continue his nefarious deeds in the worldwide 24 web.

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Right.

THE COURT:

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MR. BOCK: Which you mentioned earlier, what's that? Was it Twain? You know, a lie can get its way around the world while the truth is putting on his pants? Am I getting that quote correct; Your Honor? I think it was Twain.

THE COURT: Maybe.

MR. BOCK: And you take the internet, it's exponential. But you ask Mr. Renzello in terms of how he could possibly put a disclaimer or try to be out there preventing it, I believe it's virtually -- I believe it's virtually impossible. When you have someone who is as slick and savvy as the nonparticipating Defendant, on matters pertaining to the internet, I think you could forget about it, you He knows how to -- there is a way he can optimize, as he said, optimize these search engines so that you can put your (inaudible) stuff right at the top the way Mr. Renzello told you is happening, and there is virtually nothing -- just asked Senator Santorum, if you're familiar with that whole thing. Former Senator Santorum, if you do a Google search of his name, you get something extremely disgusting. And he's been in -- since he first ran for president, he's been unable to do a thing about that.

THE COURT: Right.

MR. BOCK: So I don't know if Mr. 1 2 Renzello or we can do much of anything to come back 3 to these screeds that the Defendant puts out there. 4 But again, as someone who has known Damian for, you 5 know, close to a quarter of a century, and has seen 6 him suffer through this for about a decade or so, it 7 just seems that something has to be done, you know, 8 you talk about an order, and that's a great thing. 9 THE COURT: Right. 10 MR. BOCK: Of course, enforcing it is a different thing. 11 12 THE COURT: Right. 13 MR. BOCK: Finding in the first place 14 and enforcing it is a different thing. So that's 15 just my 10 cents. 16 THE COURT: You know, I agree. 17 don't know, frankly, what else to do except I can 18 suggest that maybe he try the U.S. Attorney's office, see if they have any interest. Again, I don't know. 19 20 It seems to me there is some violation of criminal 21 But again, I'm not a person who makes that 22 determination. 23 MR. RENZELLO: Your Honor, can I give 24 you another exhibit?

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Yeah.

Sure.

(Inaudible).

THE COURT:

1 Right. 2 MR. RENZELLO: And shortly after 3 running the store, Mr. Nelson went on to the internet 4 blog with Popular Science and (inaudible). 5 THE COURT: Right. 6 MR. RENZELLO: Another example 7 (inaudible). 8 THE COURT: Example. Right. Okay. 9 Well, as I say, we will do as much as I can. And, 10 you know, if you ever find him, serve this order on 11 him, have it served on him. Any process server can 12 do it. It doesn't have to be a Marshal or anybody 13 else. And then if he continues to do it then 14 15 certainly --MR. RENZELLO: I'm afraid if I look for 16 17 him, then he's going to say that I'm stalking him. 18 THE COURT: Right. 19 MR. RENZELLO: I'm afraid to even type 20 his name into my phone to research other court cases Because for the fear of, you know --21 on him. 22 THE COURT: Right. 23 MR. RENZELLO: I mean it's --24 THE COURT: Well that's up to you, I 25 guess.

1	MR. RENZELLO: Well I think I'm I
2	think you've got all the information that you need
3	for now, and I think the U.S. Attorney's office is
4	probably the next step.
5	THE COURT: Give them a try.
6	MR. BOCK: Your Honor, one last thing.
7	THE COURT: Yes.
8	MR. BOCK: Because of the five-part
9	motion that is to be precipitated this year.
10	THE COURT: Yes.
11	MR. BOCK: A through E; right? I just
12	wanted to ask you about E. Which is that now that I
13	put myself out here, in public
14	THE COURT: Are you sure you want to be
15	mentioned?
16	MR. BOCK: Well, first of all, if the
17	Defendant orders a transcript, I'm already mentioned;
18	right? Today's hearing; right? I'm out here.
19	THE COURT: If anybody wants it.
20	MR. BOCK: I'm more concerned about my
21	wife and my three young daughters. Me, I can handle
22	plenty. But I see the stuff of which the absent
23	Defendant is capable, and just from the standpoint of
24	my wife and three daughters, it makes me uneasy.
25	You know, I don't mind claiming to the

world that I'm this man's friend, and that I think he's been wronged in the extreme, and that actually the Defendant should be punished in every way possible. But, you know, it's within the realm of the court.

Having said that, I'm wondering if Your Honor would put the umbrella, as it were, of, you know, of the no contact that -- I believe that's -- that's the other thing in terms of -- Damian, wasn't there some --

MR. RENZELLO: Last I checked.

MR. BOCK: Were the parties still not supposed to have direct contact last I knew or is that --

THE COURT: Yeah, I think -- (inaudible).

MR. BOCK: I would want to reinforce that in terms of, you know, Mr. Renzello and Mr. Nelson. Either way, if Your Honor could consider opening the umbrella a little bit more and sticking me and my family under there, I would be deeply appreciative because I want to be able to be supportive and do the right thing and try to help Damian in any way I can. I'm a little concerned about somebody -- compost hitting the ventilating

equipment in my direction, if you will, because this guy does generate a lot of compost.

THE COURT: I don't think he knows about you yet. Does he?

MR. BOCK: He will now.

THE COURT: Well I mean this is -- it's a recorded hearing but it's only --

MR. BOCK: I don't think he has, you know, until my addressing you today. He's pretty savvy. I'm pretty sure he didn't come today. He'll probably get a transcript. So here I am.

Again, I'm good with that, but more from the standpoint for my wife and my three young daughters. I just would like it to be clear -- and again, we also know that this absent Defendant flouts (inaudible) flouts orders, flouts confession, flouts all kinds of things, but at least if it's on paper, if Your Honor would consider that, that the same protections being currently offered to the Plaintiff extend over to me and my immediate family, I would be most grateful.

THE COURT: Well again, I'm not sure you want that to happen. (Inaudible) an order that mentions your name. That (inaudible) is defined. Transcript, he has to order it through the clerk's

office. 1 2 MR. BOCK: Right. 3 THE COURT: And have to pay for it to 4 have it printed and so forth. So I don't think he's 5 going to go that far. 6 MR. BOCK: Okay. So you'd rather just 7 8 If there is any evidence, THE COURT: 9 you know, in the future that he's retaliating somehow 10 against you, I would certainly reconsider that. MR. BOCK: You want to hear about it. 11 12 THE COURT: Yeah. I don't think at 13 this point you would, frankly, want to have it --14 MR. BOCK: I see your point. Thank 15 you, Your Honor. 16 THE COURT: Okay. So we will, in due 17 course, we will issue an order, and then, as I say, 18 you might want to (inaudible) for the U.S. Attorney's office to see if they will help you out. 19 20 MR. RENZELLO: Thank you, Your Honor. 21 I appreciate your time. 22 Thank you. THE COURT: THE CLERK: All rise. 23 24 (End of recorded proceeding).

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CERTIFICATE

I, Kim U. Sears, do hereby certify that I transcribed the hearing from an audio recording taken on 5/7/2015.

I further certify that I am not related to any of the parties thereto or their counsel, and I am in no way interested in the outcome of said cause.

Dated at Williston, Vermont, this 8th day of March, 2021.

 $\hbox{\rm Kim U. Sears, RPR}$

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\$\frac{\\$5}{\$\\$25,000 - 5:8} \\ \\$45,000 - 3:25\$\$ \begin{array}{c} 9 \\ 27:4 \\ auditioned - 4:9 \end{array} \begin{array}{c} 18:16 \\ cases - 22:20 \\ cause - 27:9 \\ cents - 21:15 \\ 3:4, 3:5, 3:11, \end{array} \begin{array}{c} \text{Dated} \\ dates \\ daugh \\ augh \end{array} \text{cases} - 22:10 \\ cases - 6:6 \\ cents - 21:15 \\ \text{3:4, 3:5, 3:11,} \end{array} \text{Dated} \text{dates} \\ 15:2 \\ daugh \\ cases - 22:20 \\ case - 6:6 \\ cents - 21:15 \text{3:4, 3:5, 3:11,} \text{23:2} \end{array}	- 27:10 [2] 14:23, hters [3]
\$25,000 - 5:8 \$45,000 - 3:25 9 - 17:8 27:4 audio [2] 1:9, 27:4 auditioned - 4:9 cause - 27:9 cease - 6:6 2:18, 2:18, 2:18, 3:3, daugh cents - 21:15 3:4, 3:5, 3:11, 23:2	[2] 14:23, hters [3]
\$45,000 - 3:25	nters [3]
\$45,000 - 3:25	
1	
	1, 23:24,
0 =	4 12:22
able [3] 6:21.	a - 15:8
05402-0329 - 8:18, 24:22	le [2] 16:15,
1:23 absent [2] 23:22, P.O.C.K. 16:9 22:15, 26:10 6:24, 7:2, 7:5, 21:6	
25:15 hed [31] 13:0 certify [2] 27:3. 7:10, 7:14, 7:16. decidi	ng - 6:14
1 27:6 7:18, 7:22, 8:1, deeds	- 19:23
act [2] 5:14 5:22 Bambini - 10:7 Clarge - 4.5 6.5, 6.11, 6.15, Geep	- 15:5
10 [61 10:20 action - 16:22 beginning [2] 14:6 14:13 0:6 0:14 0:24 Defen	y - 24:21 I dant [7]
$\begin{vmatrix} 12.4 & 15.6 & 17.7 \end{vmatrix}$ actions = 5:12 $\begin{vmatrix} 17.1 & 17.5 \end{vmatrix}$	20:13, 21:3,
17:8, 21:15 activity [2] 6:6, besides 0.16 checked - 24:11 11:5, 11:10, 23:1	7, 23:23,
12 - 15:6 6:7 better 5:13 chooses - 19:20 11:14, 11:21. 24:3	, 25:15
15 - 12:10 add - 3:7 bit [4] 5:6, 9:21, cities - 10:21 12:2, 12:6, Defen	dant's -
16 - 2:18 dddrees [3] 2:24 10:4, 24:20 City [3] 10:14, 12:13, 12:20, 19:15	
19 [2] 9:12, define 10:15, 10:15 13:1, 13:6, 13:9, define	ed - 25:24
1.05-py-00153-ia addressing - 25:9 blog - 22:4 daming - 25:25 13:17, 13:17, defining	tely - 15:23
advisor - 3:9 blown - 3:23 Clear - 3:14:0 14:20 declar	ged - 16:19 ned - 10:13
afraid [2] 22:16, bick [31] 1.13, 2:1, 8:3, 26:23 14:25, 15:9, determined by the state of the state o	mination -
2 22:19 16:10 16:15 clerk's - 25:25 15:14, 15:19, 21:21	
Gerks's - 15:20 15:25, 16:3, Gerks's - 15:20 15:25, 16:3, Gerer	mine - 2:22
2006 [2] 15:1, 18:5, 26:10 10:25, 10:10, 19:3, 19:11,	l t - 2:21
15:3 15:14 19:14, 19:16, 17:7, 17:7, 21:5 16:14, 16:24, direct	- 24:13
2007 [4] 2:18, agent - 18:6 19:22, 20:1, colling [5] 4:19, 17:21, 17:25, unless	ion - 25:1
3:15, 15:3, agree - 21:16 20:7, 21:1, agree - 21:16 20:7, 21:1, agree - 21:16 agree -	imer - 20:9 sting - 20:22
agreement [5] 21.13/ 21.13/ 10.25 11.2 10.13 10.15 DICTION	RICT [2] 1:1,
2000 - 15:3 2:/, 2:1/, 3:/, 23:11 23:16 12:11 12:16 19:21 19:25 1:2	
2010 [4] 15:3, 3.14, 14.9 23:20, 24:12 14:23 20:6, 20:25, Docke	et - 2:2
$\begin{vmatrix} 15:13, 15:15, \\ 18:8 \end{vmatrix}$ $\begin{vmatrix} 16:23 & 15:15, \\ 18:8 \end{vmatrix}$ $\begin{vmatrix} 24:17, 25:5, \\ 24:17, 25:5, \end{vmatrix}$ companies - 8:25 $\begin{vmatrix} 21:9, 21:12, \\ 21:12, \end{vmatrix}$ docum	nents -
15:17 10st - 11:14 25:8, 26:2, 26:6, company - 16:12 21:16, 21:25, 17:26	
2014 [3] 14:23, alone - 5:8 26:11, 26:14 complete - 6:22 22:3, 22:36, doi:10.	ed - 3:25
already - 23:17 book - 13.4 6.2 22:22 22:24 due -	e - 15:5 26:16
2013 - 1.5 amazing - 9:7 posts - 5.19 comply [2] 4:25. 23:5. 23:7.	20.10
American - 4:8 54:21 5:24, 6:5 23:10, 23:14.	E
Annie - 9:22 4:3, 10:7 compost [2] 23:19, 24:5, mounced - 2:16 bottom - 10:3 compost [2] 24:15, 25:2	
3 box [3] 1:22, 24:25, 25:2 24:15, 25:3, E-MA]	[L - 1:24
concerned [2] 25:6, 25:22, earlier	r - 20:1
30 - 3:22 18:14 briefly - 8:10 23.20, 24.24 20.3, 20.16 easy	- 19:4
329 - 1:22 appeared 21 billig [+] 3:13/ confeccion 35:16 36:33	s - 4:1
2:21, 3:5 14.6 consent - 2:7 court's - 15:2 cithor	- 10:2 • [2] 17:10,
appreciate - 26:21 14:00 brought [3] 5:16, consequences - courtroom - 2:4 24:10	
	here - 5:18
40 - 3:22 Bruins [2] Bruins [2] Consider [3] 5:11, 5:15, 5:19, elusiv	e - 18:20
	- 16:22
17:19 building [2] 9:13, 23:10 energy 13:23, 21:20 energy	y - 15:7
S-CV-153 - 2·2 article - 18:10 PURI INCTON 24:13 Curt - 10:6 enforcement	ce - 2:17
5/7/2015 - 27:5 articles - 3:22 contempt [6] 6:8. custom - 3:12 contempt [6] 6:8. custom - 3:12	cement - 2:7 cing [4] 3:6,
asking [3] 4:4, 6:8, 6:11, 6:16, customer - 11:8	, 21:10,
7 14:14, 14:17 customers [3] 21:14	
2.14 12.17 Conditie [2] 11.2, 12.19, engine	es - 20:16
7 - 1:9 13:22 calling [3] 4:5, cantinuos = 23:14 myber [2] 5:7 5:7 enlist	- 17:16
attached - 9:1 4:12, 13:24 convince 13:18	- 16:12
8 attacked - 4:18 can't [7] 5:14, copies [4] 7:3, entitie	es - 8:14
Attacking - 6:23 5:22, 6:8, 8:24, 12:9, 15:4, 15:4	- 5:19 erated [2]
802/800 - 1:23 attention [2] 9:9, 14:12, 14:13, correct [3] 3:1, damages [3] 5:2	
803-000/-1:23 3:3, 20:4 14:14, 14:17 equip	ment - 25:1
ounsel [3] 16:22, Damian [8] 1:4, event	ually - 11:7
Attorney's [8] case [7] 1:5, causile = 8:6 1:13, 2:2, 10:25, evider	nce - 26:8
5:18, 13:15. 2:15, 5:11, 17:2, course 52,5 16:11, 21:4, exam	ple [6] 6:3,
Course [3] 3.2, 24:9, 24:24 7:20	, 9:22,

					29
15:21,	gives [3] 9:21,	immodiato - 25:20	known [2] 2:24,	Michael [4] 1:5,	23:17, 25:16
22:6, 22:8	10:4, 10:9	immediate - 25:20 impossible - 20:11	21:4	2:3, 3:15, 9:17	others - 8:6
examples [2]	Google [2] 12:23,	impression - 17:8	knows [2] 20:15,	Mike [4] 4:4,	outcome - 27:9
7:16, 7:17	20:21 Gordon [3] 1:13,	inappropriate -	25:3	4:12, 12:5, 12:8	
except - 21:17 exchange - 4:1	2:13, 16:7	17:20 inaudible [17] 2:8,	Korstange - 1:15	mind - 23:25 Mine - 18:11	P
exhibit [6] 7:23,	gotcha - 5:23	5:4, 8:3, 8:12,	L	money [2] 10:8,	P.O [2] 1:22,
7:25, 8:2, 8:6,	government [2]	13:5, 14:3, 18:2,		10:19	19:12
15:24, 21:24 exhibits - 15:12	13:22, 17:18 grateful - 25:21	18:7, 20:17, 21:25, 22:4,	LA - 4:10	morass - 17:3 morning [3] 4:2,	pages - 12:10
existence - 16:12	quess [6] 4:24,	22:7, 24:16,	lack - 5:13 Las - 19:10	4:5, 4:13	pants - 20:4 papers - 19:1
experience -	5:10, 8:17,	25:16, 25:23,	law - 21:21	motion [5] 6:3,	paperwork [2]
16:17	11:22, 17:14,	25:24, 26:18	laws [3] 13:10,	6:10, 6:20, 7:8,	15:6, 15:17
exponential - 20:8 extend - 25:20	22:25	inception - 17:6 incidences - 4:17	13:10, 14:4	23:9 motions - 19:18	participate - 19:22
extreme [2] 17:4,	Н	include [2] 14:12,	lawsuits - 4:6 layman [2] 4:18,	mouth - 11:24	participating - 20:13
24:2		14:13	5:6	mower - 10:8	parties [2] 24:12,
extremely - 20:22	Hall - 10:15	including - 6:10 indication - 14:21	least [5] 6:20,	Murtha - 1:8 myself [2] 4:19,	27:7
F	handle - 23:21 hands - 11:13	individual [3]	13:19, 16:17, 17:19, 25:17	23:13	passed - 4:17 past [3] 10:2,
	happen - 25:23	16:20, 18:19,	Leibovitz - 9:22		10:20, 14:18
familiar [2] 13:11,	happening - 20:18	18:20 inference - 19:16	Let's - 13:18	N	Paul - 4:2
20:20	harassment [2]	info@capitolcour -	letter [3] 2:24,	needless 4:14	pay [3] 5:2, 5:13, 26:3
family [3] 19:17, 24:21, 25:20	5:7, 5:7 harder - 19:5	1:24	10:1, 10:1 lie - 20:2	needless - 4:14 nefarious - 19:23	per - 5:8
famous - 9:23	having [3] 6:10,	information [2]	listen - 4:16	Nelson [16] 1:5,	perhaps [3] 6:6,
fashion - 14:10	16:22, 24:6	14:7, 23:2 infrequent - 17:25	local - 13:24	2:3, 2:20, 3:5,	15:20, 17:22
faulty - 17:4 FBI [4] 17:10,	He'll - 25:10 he's [18] 4:4, 4:6,	instance [3] 6:16,	locate - 4:23 locating [2] 4:22,	3:15, 3:20, 4:4, 4:12, 5:12, 12:5,	persistent - 16:18 pertaining - 20:13
18:1, 18:6,	4:12, 4:18, 6:16,	9:10, 13:15	18:19	14:9, 17:11,	photographer -
18:17	8:24, 9:1, 11:15,	instances - 6:19 instant - 18:16	loss - 3:14	17:15, 18:5,	9:23
fear - 22:21 federal [2] 14:4,	11:19, 14:21, 19:19, 20:23,	intense - 16:18	lost [2] 9:17, 9:18	22:3, 24:19 Nelson's [2] 9:17,	Plaintiff [2] 2:3, 25:19
17:17	20:24, 22:17,	interest - 21:19	9.10	12:8	please [2] 2:1,
feel - 16:18	24:2, 25:9, 26:4,	interested [2]	M	Nevada - 19:9	16:4
fellow - 8:21	26:9	10:23, 27:8 interference -		nice [2] 10:1,	plenty - 23:22
figure - 8:18 finding [3] 12:15,	hear [4] 3:8, 3:8, 16:18, 26:11	9:17	mailed - 2:23	10:7 nine [3] 7:9,	point [5] 6:9, 14:13, 19:8,
14:9, 21:13	hearing [11] 1:8,	internet [11]	majority - 10:22 makes [3] 5:9,	7:10, 7:15	26:13, 26:14
five [2] 4:9, 5:8	2:7, 2:17, 3:4,	3:16, 9:8, 11:18, 11:23, 12:16,	21:21, 23:24	non - 20:12	police [3] 13:8,
five-part - 23:8 flew - 4:10	6:10, 6:14, 7:23, 19:19, 23:18,	12:22, 13:8,	making - 10:18	nothing - 20:19 notice - 2:24	13:24, 13:24 Popular - 22:4
flouts [4] 25:15,	25:7, 27:4	14:24, 20:7,	man's - 24:1 March - 27:11	notify [2] 2:20,	Porta-rinx [5]
25:16, 25:16,	heart - 10:3	20:14, 22:3 invention - 4:15	mark [2] 8:2, 8:5	6:13	10:13, 11:25,
25:16 forget [2] 18:17,	heartfelt - 10:1 held [3] 1:8, 1:9,	invention [2] 4:8,	marketing [2] 4:1,		11:25, 12:4, 16:12
20:14	6:14	9:19	8:24 Marshal [3]	O	portable - 9:13
Former - 20:21	helping [2] 2:14,	investigation [2] 18:4, 18:13	17:25, 19:6,	obviously [4]	positive - 15:7
forth - 26:4 fortunately - 11:3	10:2 hereby - 27:3	involve - 18:18	22:12	2:21, 3:4, 9:2,	possible [5] 17:14, 18:17,
forward [3] 9:20,	hide [3] 17:15,	involved [2] 18:2,	Marshals [4] 17:10, 17:19,	9:6 occurred - 15:10	18:17, 18:24,
10:5, 10:10	19:4, 19:5	18:25 Island - 19:12	18:18, 18:22	offered - 25:19	24:4
foundation [2] 4:4, 10:19	highly - 18:19 hits - 12:4	issue [3] 6:1, 6:5,	matter - 2:6	office [11] 5:18,	possibly - 20:9 potential - 14:16
frankly [4] 4:22,	hitting - 24:25	26:17	matters [3] 6:1, 18:25, 20:13	13:15, 13:20, 14:5, 14:19,	precipitated - 23:9
9:7, 21:17,	hold [2] 6:8, 6:16	issuing - 6:18	maybe [6] 5:10,	15:20, 17:9,	prepared - 3:6
26:13 front [2] 4:15,	Honor [16] 2:10,		6:18, 17:19,	21:18, 23:3,	presence - 19:2 present - 2:4
10:15	3:2, 8:9, 9:5, 15:16, 16:1,	J	19:20, 20:6,	26:1, 26:19 online - 10:24	president - 20:23
frustration [2]	16:5, 17:20,	Jacobs - 4:5	21:18 meeting - 10:9	opening - 24:20	preventing -
5:25, 7:21	20:5, 21:23,	judges - 4:15	memory [2]	optimize [2]	20:10
future [2] 14:16, 26:9	23:6, 24:7, 24:19, 25:18,	judgment - 5:1	17:23, 18:8	20:16, 20:16	previous - 2:19 printed - 26:4
	26:15, 26:20	K	mentioned [3] 20:1, 23:15,	order [17] 2:18, 2:19, 3:6, 4:22,	prison - 5:9
G	Honorable - 1:8		23:17	6:1, 6:4, 6:5,	privilege - 16:11
		Kathleen [2] 1:15,	mentions - 25:24	6:18, 12:23,	pro - 2:4 probably [3]
G-O - 16:7 Garvan - 1:8	I	8:1 kept - 9:20	mess - 15:8 met [2] 10:13,	13:18, 14:10, 17:24, 21:8,	17:21, 23:4,
gave - 15:12	ice [2] 9:13, 12:1	Kim [2] 27:3,	10:16	22:10, 25:23,	25:11
generate - 25:2	imagine [2]	27:13	Mexico [2] 10:14,	25:25, 26:17	problem [2] 4:22,
gentleman - 2:12	11:11, 13:4	kinds - 25:17	10:15	orders [3] 4:25,	13:21 procedures - 6:9
			l	l .	F. 55554165 6.5

proceeding -	12:3, 12:7,	seven [2] 10:2,	testimony - 12:15	using - 6:24	25:13
26:24	12:19, 12:25,	12:5	Thank [4] 10:3,		yourself - 3:20
process [2] 6:12,	13:4, 13:7,	sheet - 7:20	26:14, 26:20,	V	
22:11	13:13, 13:16,	shop - 15:5	26:22		
producers - 4:11	13:23, 14:1,	shortly - 22:2	thanking - 10:1	Vegas - 19:10	
products [3] 3:25,	14:7, 14:18,	shouldn't - 13:2	thereto - 27:7	ventilating - 24:25	
4:9, 10:23	14:22, 15:1,	sites - 6:21	they've - 8:17	Vermont [6] 1:2,	
prohibit - 13:10	15:11, 15:16,	situation - 9:21	thing [11] 3:14,	1:23, 5:18, 18:3,	
prosecution - 5:16	15:23, 16:1,	six [2] 7:8, 12:4	5:25, 9:8, 20:20,	18:5, 27:10	
protect - 4:19 protections -	16:21, 18:3, 18:9, 18:12,	skating [2] 9:13, 12:1	20:24, 21:8, 21:11, 21:14,	versus - 2:3	
25:19	19:4, 19:10,	slander - 12:8	23:6, 24:9,	vicariously - 16:17	
prove - 8:24	20:8, 20:18,	slandering [3]	24:23	violated [2] 6:19,	
public - 23:13	21:2, 21:23,	3:15, 7:1, 11:16	thinking - 19:3	14:9	
publish - 9:7	22:2, 22:6,	slanderous [4]	threat - 18:14	violation [3] 5:8, 6:4, 21:20	
publishing - 13:2	22:16, 22:19,	10:25, 12:11,	threatening [2]	virtually [4]	
pull [2] 13:5,	22:23, 23:1,	12:17, 13:1	4:5, 4:13	16:11, 20:10,	
13:5	24:11, 24:18,	slick - 20:12	today [4] 12:14,	20:11, 20:19	
punished - 24:3	26:20	smart - 9:2	19:19, 25:9,	vituperation -	
purpose - 6:15	REPORTERS -	somebody [2]	25:10	16:19	
puts - 21:3	1:22	5:15, 24:25	Today's - 23:18		
putting - 20:3	requested - 2:14	somehow [5]	ton - 9:18	W	
	required - 2:19	2:20, 11:14,	top [2] 12:4,		
Q	research [3] 5:6, 10:24, 22:20	17:16, 18:18, 26:9	20:18 topic - 7:12	wanted - 23:12	
	resources - 19:5	someone [3]	Torturing - 12:25	wants - 23:19	
quarter - 21:5	result - 14:17	19:16, 20:12,	towns - 10:21	warning [3] 6:7,	
questionable -	retaliating - 26:9	21:4	trace [2] 8:18,	11:22, 14:15	
4:24	returned - 2:25	somewhere - 17:6	8:20	wash - 11:13	
quote - 20:4	Rhode - 19:12	sort [3] 5:1, 9:8,	transcribed [2]	wasting - 15:7	
	rings - 9:13	12:23	1:9, 27:4	ways - 5:6	
R	rink [4] 10:2,	sorting - 17:2	transcript [3]	web - 19:24	
R-D-O-N - 16:8	10:14, 11:8,	Sox - 10:7	23:17, 25:11,	what's - 20:2 whatever - 14:4	
ran - 20:23	12:1	speak [2] 3:11,	25:25	whether [6] 4:24,	
rather - 26:6	rinks [2] 8:25,	13:15	tried [3] 13:14,	4:25, 5:2, 6:14,	
really [5] 8:19,	11:23	SPEAKER [2] 8:9,	13:23, 16:25	12:22, 17:13	
10:16, 12:6,	rise [2] 2:1,	8:12	truth - 20:3	Who's - 4:12	
14:25, 16:18	26:23 RPR - 27:13	stalking - 22:17 stand - 3:12	TV - 4:8 Twain [2] 20:2,	whole [2] 6:12,	
realm - 24:4	run - 17:15	standpoint [2]	20:5	20:20	
recent - 15:21	running - 22:3	23:23, 25:13	type [3] 6:3,	wide [2] 15:5,	
recently - 14:21	ranning	State - 13:24	10:24, 22:19	15:5	
reciting [2] 6:1,	S	step - 23:4	typed - 12:3	wife [3] 23:21,	
6:19		Stewart - 4:3		23:24, 25:13	
recollection [2]	Santorum [2]	sticking - 24:20	U	Williston - 27:10	
17:4, 17:13	20:20, 20:21	store [3] 18:4,		wish - 3:9	
reconsider - 26:10 record - 16:5	savvy [2] 20:12,	18:5, 22:3	U.S [11] 1:1,	within [2] 3:24, 24:4	
recorded [2] 25:7,	25:10	strength [4] 9:19,	5:17, 5:17,	wondering [3]	
26:24	saying - 6:5	9:22, 10:5,	13:15, 13:19,	16:21, 17:14,	
recording [2] 1:9,	scenario - 4:7	10:10 stretching - 18:8	14:5, 14:19,	24:6	
27:5	scenarios - 4:7	stuff [6] 10:4,	19:6, 21:18,	worldwide - 19:23	
Red - 10:7	Schilling - 10:6	11:20, 13:2,	23:3, 26:18	worth - 3:25	
referred - 8:7	Science - 22:4	19:17, 20:17,	Uh - 3:10	wouldn't - 3:16	
reinforce - 24:17	screeds - 21:3 se - 2:4	23:22	umbrella [2] 24:7, 24:20	writing - 11:20	
related - 27:6	search [2] 20:16,	subject - 6:8	unable - 20:24	wrong - 17:5	
relationship - 3:24	20:21	subsequently -	unbelievable [2]	wronged - 24:2	
Renzello [76] 1:4, 1:13, 2:3, 2:10,	Sears [2] 27:3,	17:1	3:19, 9:5	wrote - 9:25	
2:11, 2:13, 2:19,	27:13	suffer - 21:6	undergo - 6:21		
3:1, 3:10, 3:13,	seated - 2:2	suggest [2]	understand [3]	Y	
3:18, 5:3, 5:5,	seems [3] 17:5,	13:19, 21:18	2:23, 5:24, 7:21		
5:20, 5:23, 6:23,	21:7, 21:20	supportive - 24:23	understood - 11:7	yeah [16] 7:2,	
7:1, 7:3, 7:9,	Senator [2]	suppose - 6:20 supposed - 24:13	uneasy - 23:24	8:16, 8:21, 11:21, 11:24,	
7:11, 7:15, 7:17,	20:19, 20:21	aupposeu - 24.13	unfortunate -	12:7, 12:7, 13:1,	
7:19, 7:24, 8:8,	send [2] 15:19,		16:16	13:4, 13:13,	
8:16, 8:19, 8:23,	15:20	T	Unfortunately -	16:6, 18:12,	
9:4, 9:12, 9:16,	serve [3] 17:23,	taken - 27:5	5:21	19:10, 21:25,	
9:25, 10:12,	19:1, 22:10 served [3] 17:25,	taken - 27:5 ten - 14:18	UNIDENTIFIED [2] 8:9, 8:12	24:15, 26:12	
10:18, 10:25,	18:23, 22:11	terms [4] 18:18,	untrue - 12:17	yet - 25:4	
11:6, 11:11,	server - 22:11	20:8, 24:9,	upon [2] 12:13,	you'd - 26:6	
11:17, 11:24,	serving - 19:11	24:18	19:1	young [2] 23:21,	
				L	L